

## REMARKS

This is an amendment after final action and request for reconsideration filed in accordance with 37 C.F.R. 1.116.

The only claim cancellations and formal claim changes have been proposed. No substantial claim changes to further limit the scope of any claim have been proposed. The proposed claim changes are designed to accept the allowable subject matter according to page 10 of the final Office Action.

Entry of the proposed claim changes is respectfully requested, *provided* that the consideration of the Information Disclosure Statement (and prior art references accompanying it) dated **August 10, 2005**, which *apparently* has not previously been considered, does not necessitate withdrawal of the final Office Action and re-examination of the claims of the amendment filed September 19, 2005. See section IV below regarding the status of the Information Disclosure Statement filed August 10, 2005, according to the papers received by the undersigned.

### I. Allowable Subject Matter

Claims 16 and 21 were found to contain allowable subject matter, but were objected to because they depended on a rejected base claim, namely independent claim 15 (Page 10 of the final Office Action).

Amendment of claims 16 and 21 so that they include the features and limitations of claim 15 is proposed. Amendment of dependent claims 7 and 17 to 20 for preferred embodiments that they depend on independent claim 16 is also proposed. Amendment of dependent claim 6 to depend on dependent claim 19 in order to preserve antecedent basis for claim terminology is proposed. Claim 6 currently depends on claim 5, which contains the same subject matter as claim 19.

No new issues would be introduced by the proposed claim changes. The claims would then be limited to the allowable subject matter.

However applicants reserve the right to file a continuation application to try to obtain broader patent claim coverage.

## **II. Indefiniteness Rejection**

Claim 1 to 8 and 14 were rejected under 35 U.S.C. 112, second paragraph, for indefiniteness.

Cancellation of claims 1 to 5, 8 and 14 would obviate the rejection of those claims for indefiniteness.

If the proposed claim changes are made claims 6 and 7 for preferred embodiments would depend on the allowable amended claim 16. Dependent claims 6 and 7 would not contain any wording that would be considered indefinite. The dependent claims 6 and 7 do not contain the "reduced to an insignificant extent" wording that caused the rejection of claim 1 for

indefiniteness.

For the foregoing reasons the rejection under 35 U.S.C. 112, second paragraph, for indefiniteness would be obviated.

### III. Obviousness Rejections

Claims 1, 3 to 8 and 14 were rejected as obvious under 35 U.S.C. 103 (a) over Beyrlé, in view of Wennemann, et al, and further in view of Beunet, et al.

Claims 1, 3 to 8 and 14 were also rejected as obvious under 35 U.S.C. 103 (a) over Beyrlé, in view of Comte, et al, and further in view of Beunet, et al.

Claims 15 and 17 to 20 were rejected under 35 U.S.C. 103 (a) as obvious over under 35 U.S.C. 103 (a) over Beyrlé, in view of Wennemann, et al, and further in view of Beunet, et al.

If the proposed claim changes are made, claims 1, 3 to 5, 8, 14 and 15 would be canceled, obviating their rejections under 35 U.S.C. 103 (a). Claims 6, 7 and 17 to 20 for preferred embodiments would be amended to depend on the allowable amended claim 16.

In view of the foregoing proposed changes the rejections under 35 U.S.C. 103 (a) would be obviated. The claimed subject matter would be limited to the allowable subject matter.

#### IV. Information Disclosure Statement

An Information Disclosure Statement was filed **August 10, 2005** together with six U.S. Patent and Published application references and five foreign patent document references. This Information Disclosure Statement and the cited prior art references should be considered to the extent possible in the case of the two foreign references without English translations.

Consideration of this Information Disclosure Statement and the prior art references accompanying it was already requested in the amendment filed September 19, 2005. However the final Office Action was non-responsive regarding this issue (An additional information disclosure statement was filed with the amendment, but that information disclosures statement, which was acknowledged, is not the same as the information disclosure statement filed August 10, 2005).

Consideration of the references filed with the Information Disclosure Statement filed August 10, 2005 is respectfully requested, especially in view of the fact that the filing date of this Information Disclosure Statement is more than four months prior to the issue date of the final Office Action.

If necessary, the finality of the Office Action dated December 13, 2005 should be withdrawn and the claims of the amendment dated September 19, 2005 should be re-examined in light of the prior art references filed with the Information Disclosure Statement of August 10, 2005.

On the other hand, if the Information Disclosure Statement filed August 10, 2005 was considered, but an initialed copy was inadvertently not returned with the final Office Action, the return of an initialed copy of this Information Disclosure Statement with the next action is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,



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